



Congress of the United States

House of Representatives

Washington, DC 20515

October 23, 2019

The Honorable Adam Schiff
Chairman
Permanent Select Committee on Intelligence
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Schiff:

We are surprised by your announcement that the Committees will not receive testimony from the anonymous intelligence community employee whose complaint initiated the so-called impeachment inquiry.¹ You had earlier committed that the employee would provide “unfiltered” testimony “very soon,”² only to reverse course following revelations that the employee had a bias against President Donald Trump and that you had received a secret, early account of the allegations.³ As the so-called impeachment inquiry gathers information that contradicts the employee’s allegations, we ask that you arrange for the Committees to receive public testimony from the employee and all individuals he or she relied upon in formulating the complaint.

On August 12, 2019, an employee submitted a complaint accusing President Trump of “using the power of his office to solicit interference from a foreign country in the 2020 U.S. election.”⁴ Although the employee acknowledged that he was not a “direct witness to most of the events described,”⁵ the employee made several serious allegations:

- that President Trump “sought to pressure” Ukrainian President Zelensky “to take actions to help the President’s 2020 reelection bid”;⁶

¹ See, e.g., Heather Caygle, *Adam Schiff says whistleblower may not testify in impeachment probe*, Politico, Oct. 13, 2019.

² See, e.g., Josh Mitchell, *Whistleblower is expected to testify soon, House Intelligence Chairman Schiff says*, Wall St. J., Sept. 29, 2019.

³ See, e.g., Arden Farhi & Kathryn Watson, *Whistleblower had “prior working relationship” with current 2020 Democrat, source says*, CBS News, Oct. 9, 2019; Julian E. Barnes et al., *Schiff got early account of accusations as whistleblower’s concerns grew*, N.Y. Times, Oct. 2, 2019.

⁴ Letter to Richard Burr, Chairman, S. Sel. Comm. on Intel. & Adam Schiff, Chairman, H. Permanent Sel. Com. on Intel. 1 (Aug. 12, 2019).

⁵ *Id.*

⁶ *Id.* at 2.

- that Ambassador Kurt Volker and Ambassador Gordon Sondland were sent to Ukraine to “provide[] advice . . . about how to ‘navigate’ the demands that the President had made of Mr. Zelensky”;⁷
- that Ambassador Volker and Ambassador Sondland had “spoken with Mr. Giuliani in an attempt to ‘contain the damage’ to U.S. national security”;⁸
- that a meeting or phone call between President Trump and President Zelensky “would depend on whether Zelensky showed willingness to ‘play ball’” on investigations;⁹ and
- that President Trump “instructed Vice President Pence to cancel his planned travel to Ukraine to attend President Zelensky’s inauguration.”¹⁰

On September 24, 2019, in response to the employee’s complaint and before the House had obtained any direct evidence, Speaker Pelosi unilaterally announced that the House would initiate an inquiry into impeaching President Trump.¹¹

Since then, the Committees have obtained information that contradicts the employee’s assertions. The transcript of President Trump’s phone call with President Zelensky, which President Trump declassified and released the day after Speaker Pelosi’s announcement, contains no reference to the 2020 presidential election.¹² President Zelensky has said publicly and repeatedly that he felt no pressure and there were no conditions imposed by President Trump.¹³ In addition, several witnesses have offered closed-door testimony in this so-called impeachment inquiry that rebuts the central assertion of the anonymous employee’s complaint, including the specific allegations listed above.

In light of these inconsistencies between facts as alleged by the employee and information obtained during the so-called impeachment inquiry, the Committees ought to fully assess the sources and credibility of the employee. Because Speaker Pelosi’s unilateral impeachment inquiry has not provided us with co-equal subpoena power—as has been the bipartisan precedent in modern impeachment inquiries—we expect you to arrange for the Committees to receive the testimony of the employees and all individuals he or she relied upon in formulating the August 12th complaint.

⁷ *Id.* at 4.

⁸ *Id.* at 7.

⁹ *Id.*

¹⁰ *Id.* app. at 1-2.

¹¹ Speaker Nancy Pelosi, *Pelosi Remarks Announcing Impeachment Inquiry* (Sept. 24, 2019).

¹² See The White House, *Memorandum of Telephone Conversation* (July 25, 2019).

¹³ See, e.g., Holly Ellyatt, *Ukraine’s president says there was no blackmail in Trump call*, CNBC, Oct. 10, 2019; Jordan McDonald, *Ukraine’s president on Trump call: ‘Nobody pushed me,’* CNBC, Sept. 25, 2019.

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We may request additional witnesses at the appropriate time as the inquiry continues. Your failure to arrange for the Committees to receive this testimony shall constitute evidence of your denial of fundamental fairness and due process. Thank you for your attention to this matter.

Sincerely,



Jim Jordan
Ranking Member
Committee on Oversight and Reform



Devin Nunes
Ranking Member
Permanent Select Committee on Intelligence



Michael T. McCaul
Ranking Member
Committee on Foreign Affairs

cc: The Honorable Carolyn B. Maloney
Acting Chairwoman
Committee on Oversight and Reform

The Honorable Eliot Engel
Chairman
Committee on Foreign Affairs